

is proper *only* when both elements are met. This is true even when appropriate reasons exist for a restriction requirement.

Applicants respectfully submit that the species of cytotoxin recited by the Examiner (*i.e.*, a chemotherapeutic agent, a microbial toxin and an antibody) are closely related and all function in the same way with regard to the invention.

The inventive concept of the present invention is the specific use of a multimeric  $\alpha$ -lactalbumin (MAL) as a carrier for other reagents. MAL has a unique ability of entering the nucleus of tumor cells, which makes it an ideal carrier of other cytotoxins. The other cytotoxins assist in the tumor killing effect. However, the exact nature of these other cytotoxins is immaterial. Applicants note that the MAL carrier moiety is specifically defined in claim 1 as a biologically active complex of  $\alpha$ -lactalbumin and a fatty acid, as isolated by the Applicants. As the invention centers around the use of the MAL moiety, this it would not be an undue burden on the Examiner to search and consider references disclosing the MAL complex.

Further, Applicants note that a cytotoxin is a reagent which kills cells. The cytotoxin species (a chemotherapeutic agent, a microbial toxin and an antibody) all kill cells. The search to examine these species in the context of the claims would thus overlap. Applicants believe it would not be an undue burden upon the Examiner to examine all the species at the present time. Therefore, withdrawal of the restriction requirement, and further and favorable consideration of all the claims of record on the merits is respectfully requested.

**CONCLUSION**

Applicants submit that the present application is fully in condition for examination.

An early examination on the merits is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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Date: June 17, 2002